

MPMc  
Las Vegas, NV

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MV TRANSPORTATION, INC.

and

Case 28-CA-173726

AMALGAMATED TRANSIT UNION  
LOCAL #1637, AFL-CIO, CLC

ORDER APPROVING STIPULATION, GRANTING MOTION,  
AND TRANSFERRING PROCEEDING TO THE BOARD

This matter comes before the National Labor Relations Board upon a joint motion of Respondent MV Transportation, Inc., Charging Party Amalgamated Transit Union, Local #1637, and the General Counsel to waive a hearing and decision by an administrative law judge, and to transfer the proceeding to the Board for a decision based on the stipulated record.

On August 10, 2016, the General Counsel issued a complaint and notice of hearing alleging that since about May 24, 2013, and at all material times, the Respondent has recognized the Union as the exclusive collective-bargaining representative of employees in the bargaining unit. The complaint further alleges that on about March 26, 2016, the Respondent instituted five policies affecting the unit employees' terms and conditions of employment without first bargaining with the Union to impasse, in violation of Section 8(a)(5) and (1). The complaint further alleges that on about March 26, 2016, the Respondent failed to continue in effect all the terms and conditions of its collective-bargaining agreement with the Union by implementing without the Union's consent, as required by Section 8(d), five other policies related to the unit employees' terms and conditions of employment, in violation of Section 8(a)(5) and (1).

On October 11, 2016, the parties filed a Joint Motion and Stipulation of Facts with the Board. Pursuant to Section 102.35(a)(9) of the Board's Rules and Regulations, the parties have waived a hearing before an administrative law judge and agreed to submit the record in this case directly to the Board for findings of fact, conclusions of law, and a Decision and Order. The parties have requested that the Board set 35 days from the date the Board issues its order as the time for the filing of briefs.

The Board having considered the matter,

IT IS ORDERED that the Joint Motion is granted and the case is transferred to and continued before the Board in Washington, D.C., for the purpose of issuing findings of fact, conclusions of law, and a Decision and Order.

IT IS FURTHER ORDERED that the stipulated record, which consists of the Charge and Amended Charge; the Complaint and Notice of Hearing; the Answer; the Stipulation of Facts; the Statement of Issue Presented; Statements of Position by the General Counsel, Charging Party, and Respondent; and Joint Exhibits 1-8 and 11-26, is approved and made part of the record.

The parties may file initial briefs with the Board in Washington, D.C. on or before April 13, 2017, and answering briefs within 14 days thereafter in accordance with Section 102.35(a)(9) of the Board's Rules and Regulations.

Dated, Washington, D.C., March 9, 2017.

By direction of the Board:

Gary Shinnars

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Executive Secretary